

# FILE COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/824,975	04/14/2004	William Berson	BER-002

1473

FISH & NEAVE IP GROUP  
ROPES & GRAY LLP  
1251 AVENUE OF THE AMERICAS FL C3  
NEW YORK, NY 10020-1105

CONFIRMATION NO. 7527



\*OC000000016105312\*

Date Mailed: 05/25/2005

## RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

### Publication and General Rules Issues

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- ☐ The articles such as "a", "an", and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- ☐ The words "new", "improved", "improvement of", "improvement in", or "improvement relating to" are not included as the first words in the title of an application because a patent application is, by nature, a new idea or improvement. See MPEP 606.
- ☐ The title appears on the filing receipt in sentence case for publication in the Annual Index of Patents.
- ☐ Amendments are not accepted in provisional applications. See 37 CFR 1.53(c).
- ☐ An amendment or Application Data Sheet is needed to make this change.
- ☐ The inventor's residence will only include the city and state for U.S. residences or city and country for residences outside the U.S. (See MPEP 605.02.)
- ☐ Continuity claimed under 35 USC 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification.
- ☐ Small entity status was previously claimed in this application. To notify the Office of a loss of entitlement to small entity status, see 37 CFR 1.27(g). To have a good faith error in claiming small entity status excused, see 37 CFR 1.28(c).

- ☐ The request for non-publication was not timely filed. A request for non-publication must be submitted upon filing of an application. The application is scheduled to be published on the date specified on the filing receipt. See 37 CFR 1.213(a)(1)
- ☐ The request for non-publication has not been recognized because it is not conspicuous as required by 37 CFR 1.213(a)(2)
- ☐ The request for non-publication has not been recognized because it does not contain the certification as required by 37 CFR 1.213(a)(3).
- ☐ The request for non-publication has not been recognized because it is not signed in compliance with 37 CFR 1.33(b) as required by 37 CFR 1.213(a)(4).
- ☒ There was no prior request for non-publication in this application. The request to rescind the non-publication request will not be processed.
- ☐ Your request for non-publication will not be acknowledged because this application is not eligible for publication. Only utility and plant applications filed on or after November 29, 2000 are eligible for publication.
- ☐ The "Non-Publication Request" indicator is correct. If there was a proper request submitted at the time of filing, the notation on the filing receipt will be "Yes". If no such request was made, the notation will be "No".
- ☐ Assignment information will only be included for applications that are eligible for publication.

Hester  
Office of Initial Patent Examination (703) 308-1202

PART 3 - OFFICE COPY